

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

VICTOR LLOYD MITCHELL,	:	
Plaintiff	:	No. 1:11-CV-01240
	:	
v.	:	
	:	(Chief Judge Kane)
DAUPHIN COUNTY COMMISSIONERS,	:	
<u>et al.</u>,	:	
Defendant	:	

ORDER

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

Plaintiff, an inmate at the Dauphin County prison, filed a civil rights action pursuant to 42 U.S.C. § 1983, on June 29, 2011. (Doc. No. 1.) On that same day, Plaintiff also filed a motion for leave to proceed in forma pauperis. (Doc. No. 2.) The matter was referred to Magistrate Judge Blewitt who conducted a screening of the complaint pursuant to the Prison Litigation Reform Act of 1995, 28 U.S.C. § 1915. Magistrate Judge Blewitt issued a report and recommendation on July 18, 2011, recommending that the matter be dismissed without prejudice for Plaintiff's admitted failure to exhaust his administrative remedies. (Doc. No. 8.) Rather than filing objections, Plaintiff has filed a motion for a court order to transport Plaintiff to the United States District Court for the purpose of Plaintiff disclosing evidence relevant to his complaint to both Defendants and the Court. (Doc. No. 10.)

ACCORDINGLY, on this 9th day of August 2011, **IT IS HEREBY ORDERED** **THAT** Magistrate Judge Blewitt's report and recommendation (Doc. No. 8) is **ADOPTED**. Plaintiff's complaint (Doc. No. 1) is **DISMISSED WITHOUT PREJUDICE** to his right to refile after he has exhausted his administrative remedies. Plaintiff's motion for a court order to

transport Plaintiff to the United States District Court (Doc. No. 10) is **DENIED** as moot. The clerk of court is directed to close the case.

S/ Yvette Kane
Chief Judge Yvette Kane
United States District Judge
Middle District of Pennsylvania